



## MEMORANDUM

**TO:** Bartholomew County Plan Commission Members

**FROM:** Jeff Bergman

**DATE:** August 5, 2014

**RE:** Farm (CFO / CAFO Type II) Moratorium

As you are aware, the two applications considered this year by the Bartholomew County Board of Zoning Appeals for conditional use approvals of confined hog feeding operations (defined by the Zoning Ordinance as "Farm (CFO / CAFO Type II)" uses) have drawn considerable public interest and resulted in questions about how these types of facilities should be regulated in Bartholomew County. In response to these questions the Bartholomew County Commissioners have established a "Bartholomew County CAFO Regulation Study Committee" to research these facilities and propose any appropriate changes to the local regulations.

The County Commissioners have also asked that a moratorium on the approval of any additional confined feeding operations be considered until the Study Committee process is complete. The process for establishing such a moratorium begins with the Plan Commission, which makes a recommendation to the County Commissioners. The County Commissioners will then make the final decision about any moratorium.

Attached to this memo is a draft Plan Commission resolution to serve as a starting point for the decision of this matter at the August 13 Plan Commission meeting. If the Plan Commission chooses to favorably recommend a moratorium there are some details of that recommendation that will also need to be addressed. Specifically, the Plan Commission should make determinations as to the following:

1. Should the moratorium address only Farm (CFO / CAFO Type II) operations, or should all such facilities be included? The Farm (CFO / CAFO Type II) uses are those that require conditional use approval and are distinguished from Type I uses by the number of the animals and the corresponding requirement for an IDEM permit to also be obtained. Type II facilities are generally those that include at least 300 cattle, 600 swine or sheep, 30,000 fowl, or 500 horses. Type I facilities are permitted uses in all agricultural and industrial zoning districts. Please note that CFO / CAFO farms are only those where animals are confined for at least 45 days in any calendar year and where there is no vegetation present over at least half of the animal's confinement area.
2. How long should the moratorium be in place? To be the most legally defensible, any moratorium should include a clear time frame linked to an event or process that will resolve the temporary condition that has necessitated the moratorium.

Please note that also on the agenda for the August 13 Plan Commission meeting is an update on the Bartholomew County CAFO Regulation Study Committee, to be provided by Kris Medic.

Please feel free to contact me with any questions you may have in advance of the Plan Commission meeting.



**GENERAL RESOLUTION NO.: 2014-01**

**of the Bartholomew County, Indiana Plan Commission**

regarding

**A Moratorium on Farm (Confined Feeding Operation (CFO) / Concentrated Animal Feeding Operation (CAFO) Type II) Uses in Bartholomew County, Indiana**

**WHEREAS**, the Zoning Ordinance currently in effect for the jurisdiction of Bartholomew County, Indiana allows "Farm (Confined Feeding Operation (CFO) / Concentrated Animal Feeding Operation (CAFO) Type II)" uses as conditional uses in all Agricultural and Industrial Zoning Districts; and

**WHEREAS**, the recent consideration of two such proposed uses in Bartholomew County through the conditional use process has resulted in significant public discussion and debate; and

**WHEREAS**, in response to the public interest and the concerns associated with these uses the Bartholomew County Commissioners have established a "Bartholomew County CAFO Regulation Study Committee" to research these uses, review existing local regulations, and propose any recommended changes to those regulations; and

**WHEREAS**, in support of the CFO/CAFO study process currently underway and in recognition of the significance of this matter it is deemed appropriate to establish a moratorium on these uses until the most appropriate regulations for them in Bartholomew County have been identified; and

**WHEREAS**, a moratorium is intended as a temporary measure allowing for permanent regulations to be considered; and

**WHEREAS**, the Plan Commission has determined that establishing a moratorium is necessary to ensure the public health, safety, and general welfare until the Bartholomew County CAFO Regulation Study Committee has completed its task and permanent regulations are thoroughly considered; and

**WHEREAS**, it is recognized that any Farm (CFO / CAFO Type II) uses for which approval has been sought prior to the effective date of a moratorium must be allowed to complete the approval process and be placed in operation per IC 36-7-4-1109; and

**WHEREAS**, the Plan Commission recognizes that its action on this matter represents a recommendation to the Bartholomew County Board of Commissioners, which will be responsible for adoption of any ordinance establishing a moratorium.

**NOW THEREFORE BE IT RESOLVED**, by the Plan Commission of Bartholomew County, Indiana, as follows:

The establishment of a moratorium on the approval of all Farm (CFO / CAFO Type II) uses in Bartholomew County, as defined by the Bartholomew County Zoning Ordinance, is favorably recommended until (1) March 1, 2016 or (2) final action on the recommendations of the Bartholomew County CAFO Regulation Study Committee has been taken by the Bartholomew County Board of Commissioners, whichever occurs first.

ADOPTED BY THE BARTHOLOMEW COUNTY, INDIANA PLAN COMMISSION THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2014 BY A VOTE OF \_\_\_\_ IN FAVOR AND \_\_\_\_ OPPOSED.

\_\_\_\_\_  
Zack Ellison, President

**ATTEST:**

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Tom Finke, Secretary

DRAFT